

Forty-eighth Legislature  
Second Regular Session

COMMITTEE ON TRANSPORTATION

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2355

(Reference to printed bill)

- 1 Page 4, line 22, after "IS" strike remainder of line insert "DESIGNED, USED OR  
2 MAINTAINED TO TRANSPORT PASSENGERS OR PROPERTY IN THE FURTHERANCE OF A  
3 COMMERCIAL ENTERPRISE ON A HIGHWAY"  
4 Line 23, after "STATE" insert ", THAT IS NOT EXEMPT FROM THE GROSS WEIGHT FEES  
5 AS PRESCRIBED IN SECTION 28-5432, SUBSECTION B"  
6 Page 5, strike lines 18 through 29  
7 Renumber to conform  
8 Line 31, strike "or lightweight motor vehicle"  
9 Page 6, line 20, after "PERSONS" insert "OR PROPERTY"  
10 Between lines 29 and 30, insert:  
11 "Sec. 5. Section 28-5204, Arizona Revised Statutes, is amended to  
12 read:  
13       28-5204. Administration and enforcement; rules  
14           A. In the administration and enforcement of this chapter, the  
15 department of transportation shall adopt:  
16           1. Reasonable rules it deems proper governing the safety operations of  
17 motor carriers, including rules governing safety operations of motor  
18 carriers, shippers and vehicles transporting hazardous materials, hazardous  
19 substances or hazardous wastes and shall prescribe necessary forms. In  
20 determining reasonable rules, the department of transportation shall  
21 consider:  
22           (a) The nature of the operations and regulation of public service  
23 corporations as defined in article XV, sections 2 and 10, Constitution of  
24 Arizona.  
25           (b) Rules adopted by the director of environmental quality pursuant to  
26 section 49-855.  
27           2. Rules necessary to enforce and administer this chapter, including  
28 rules setting forth reasonable procedures to be followed in the enforcement  
29 of this chapter and rules adopting transporter safety standards for hazardous  
30 materials, hazardous substances and hazardous waste. In adopting the rules,

1       the department shall consider, as evidence of generally accepted safety  
2       standards, the publications of the United States department of transportation  
3       and the environmental protection agency.

4           B. Rules adopted by the department of transportation also apply to a  
5       manufacturer, shipper, motor carrier and driver.

6           C. The department of public safety shall and a political subdivision  
7       may enforce this chapter and any rule adopted pursuant to this chapter by the  
8       department of transportation. A person acting for a political subdivision in  
9       enforcing this chapter is required to be certified by the department of  
10      public safety as qualified for the enforcement activities.

11          D. The department may audit records and inspect vehicles ~~transporting~~  
12       ~~hazardous materials, hazardous wastes and hazardous substances as prescribed~~  
13       ~~in title 49 THAT ARE SUBJECT TO THIS CHAPTER.~~

14          E. ~~This section does not apply to a lightweight motor vehicle carrying~~  
15       ~~hazardous materials in an amount of less than one thousand pounds or not more~~  
16       ~~than one hundred ten gallons of combustible liquid as listed in 49 Code of~~  
17       ~~Federal Regulations section 172.504(a) table 2."~~

18      Renumber to conform

19      Page 6, line 35, after "chapter" strike remainder of line; strike lines 36  
20       through 28; line 39, strike "**WASTES**" insert "or who knowingly violates or  
21       knowingly fails to comply with any provision of this chapter or with any rule  
22       adopted pursuant to this chapter"

23      After line 43, insert:

24          "Sec. 7. Section 28-5242, Arizona Revised Statutes, is amended to  
25       read:

26           28-5242. Registration requirements; interstate or foreign  
27           commerce; enforcement; violations; classification

28          A. A motor carrier shall not operate in this state a motor vehicle ~~or~~  
29       ~~lightweight motor vehicle~~ involved in interstate or foreign commerce or  
30       require or allow a driver to operate a motor vehicle ~~or lightweight motor~~  
31       ~~vehicle~~ involved in interstate or foreign commerce unless the motor carrier  
32       is registered pursuant to 49 United States Code sections 13901 and 13902. A  
33       motor carrier domiciled outside of the United States shall have proof of the  
34       registration in the vehicle when operating in this state.

35          B. A motor carrier shall not operate in this state a motor vehicle ~~or~~  
36       ~~lightweight motor vehicle~~ involved in interstate or foreign commerce or

1 require or allow a driver to operate a motor vehicle ~~or lightweight motor~~  
2 ~~vehicle~~ involved in interstate or foreign commerce beyond the scope of the  
3 motor carrier's registration issued pursuant to 49 United States Code  
4 sections 13901 and 13902.

5 C. A person who violates subsection A or B of this section is guilty  
6 of a class 2 misdemeanor.

7 D. The department or a law enforcement officer authorized pursuant to  
8 section 28-5204 may place a motor vehicle under an out-of-service order until  
9 either the cargo is removed from the vehicle or the officer obtains proof  
10 that the motor carrier is registered pursuant to 49 United States Code  
11 sections 13901 and 13902.

12 E. A motor carrier shall not operate a motor vehicle or allow a driver  
13 to operate a motor vehicle subject to an out-of-service order issued pursuant  
14 to this section until the reason for the out-of-service order has been  
15 remedied. A motor carrier or driver who violates this subsection is guilty  
16 of a class 1 misdemeanor."

17 Rerumber to conform

18 Page 7, line 4, strike "UNLESS OTHERWISE SPECIFIED, A" insert "NOTWITHSTANDING  
19 SECTION 28-5240, AN EQUIPMENT"

20 Line 5, after "VIOLATION" insert "UNLESS THE VIOLATION REQUIRES ISSUANCE OF AN  
21 OUT-OF-SERVICE ORDER PURSUANT TO SECTION 28-5241"

22 Amend title to conform

and, as so amended, it do pass

ANDY BIGGS  
Chairman

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